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**ACTS,
RESOLUTIONS AND MEMORIALS**

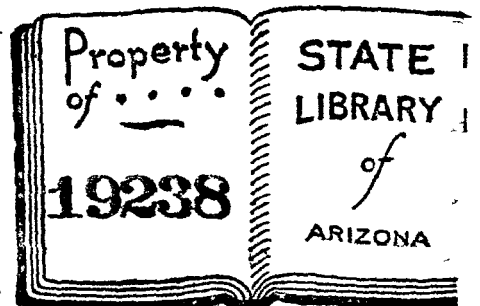
AS PASSED BY THE

FIFTH LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF ARIZONA.

SESSION BEGUN ON THE TENTH DAY OF NOVEMBER, AND ENDED
ON THE SIXTEENTH DAY OF DECEMBER, A D 1868
AT TUCSON



TUCSON.
TUCSON PUBLISHING COMPANY,
1869

CERTIFICATE.

TERRITORY OF ARIZONA,

OFFICE OF THE SECRETARY

I JAMES, P T CARTER Secretary of the Territory of Arizona,
do hereby certify that the ACTS, RESOLUTIONS and MEMORIALS
herein contained are printed as passed by the Fifth Legislative
Assembly of the Territory, according to the enrolled copies
upon file in my office



WITNESS my hand and
the seal of the Territory
given at Tucson, this first
day of January, A D
eighteen hundred and
sixty-nine

JAMES P. T. CARTER,
Sec'y of the Territory

James R. Kelly

OFFICERS OF THE TERRITORY.

1868

FEDERAL

POSITION	NAME	WHERE FROM	LOCATION
Governor	Richard C. McCormick	New York	Prescott,
Secretary	James P. T. Carter	Tennessee	"
Chief Justice	William F. Turner	Iowa	"
Associate Justice	Henry T. Backus	Michigan	Tucson
	Harley H. Carter	Michigan	La Paz
District Attorney			
Surveyor General	Sherman Day		San Francisco
Marshal	Edward Phelps	Vermont	Tucson
Supt. Indian Affairs	George W. Dent	California	La Paz

TERRITORIAL

POSITION	NAME.	WHERE FROM	LOCATION
Adjutant General	Daniel H. Stackney	Massachusetts	Tucson
Auditor	Charles H. Lord	New Jersey	"
Treasurer	John B. Allen	Maine	"
Delegate in Congress	Coles Bashford	Wisconsin	Washington



THE FIFTH LEGISLATIVE ASSEMBLY.

COUNCIL.

NAME.	RESIDENCE	OCCUPATION	AGE	WHERE BORN
<i>Mohave and Pah-Ute Co's</i> Octavius D Gass	Callville....	Ranchero	40	Ohio
<i>Yavapai County.</i> *John G Campbell.	.....	Merchant		
John T Alsap	Prescott ...	Farmer ...		Kentucky
*F M Chapman	Wickenburg ..	.. ..		
<i>Yuma County.</i> *Joseph K. Hooper	Arizona City	Merchant		
<i>Pima County</i> Estevan Ochoa..	Tucson ...	Merchant ..	35	Chihuahua
Henry Jenkins ...	" ..	.. Died	Nov	20th. 1868
Daniel H Stickney.	Casa Blanco..	Merchant .	56	Massachus'ts.
Alexander McKey	Tubac	"	41	Kentucky

HOUSE OF REPRESENTATIVES.

NAME.	RESIDENCE	OCCUPATION	AGE	WHERE BORN
<i>Pah-Ute County.</i> Andrew S. Gibbons	St. Thomas	Farmer..	43	Ohio
<i>Mohave County.</i> *U. C Doolittle	Hardyville	.. ..		
<i>Yavapai County</i> *Thomas W Brooks	Prescott .....	.. ..		
*Pollett G. Cristie	" .....	.. ..		
*William S. Little.....	" .....	.. ..		
John Smith.....	Camp M'Dowell..	.. ..	37	New York.
*E. Lumbley..	Wickenburg...	.. ..		
*G. R. Wilson.	Phoenix	.. ..		
<i>Yuma County</i> *James P. Lugenbul...	Arizona City.....	.. ..		
Thomas J. Bidwell	La Paz.....	.. ..		
Oliver Lindsey....	"	Farmer....	33	New York.
<i>Pima County.</i> Jesus M Elias	Tucson ..	Farmer		
Francis H. Goodwin ...	" ..	Merchant..	34	Georgia
Hiram S. Stevens.....	"	"		Vermont
John Owen	Tubac	"	45	Illinois
John Anderson.	Apache Pass...	Miner	36	Ohio.
Sol W. Chambers	Calabazas.....	Farmer.....	46	"
Robert M. Crandal.	Tucson.....	Merchant	36	"

*Did not attend the Session

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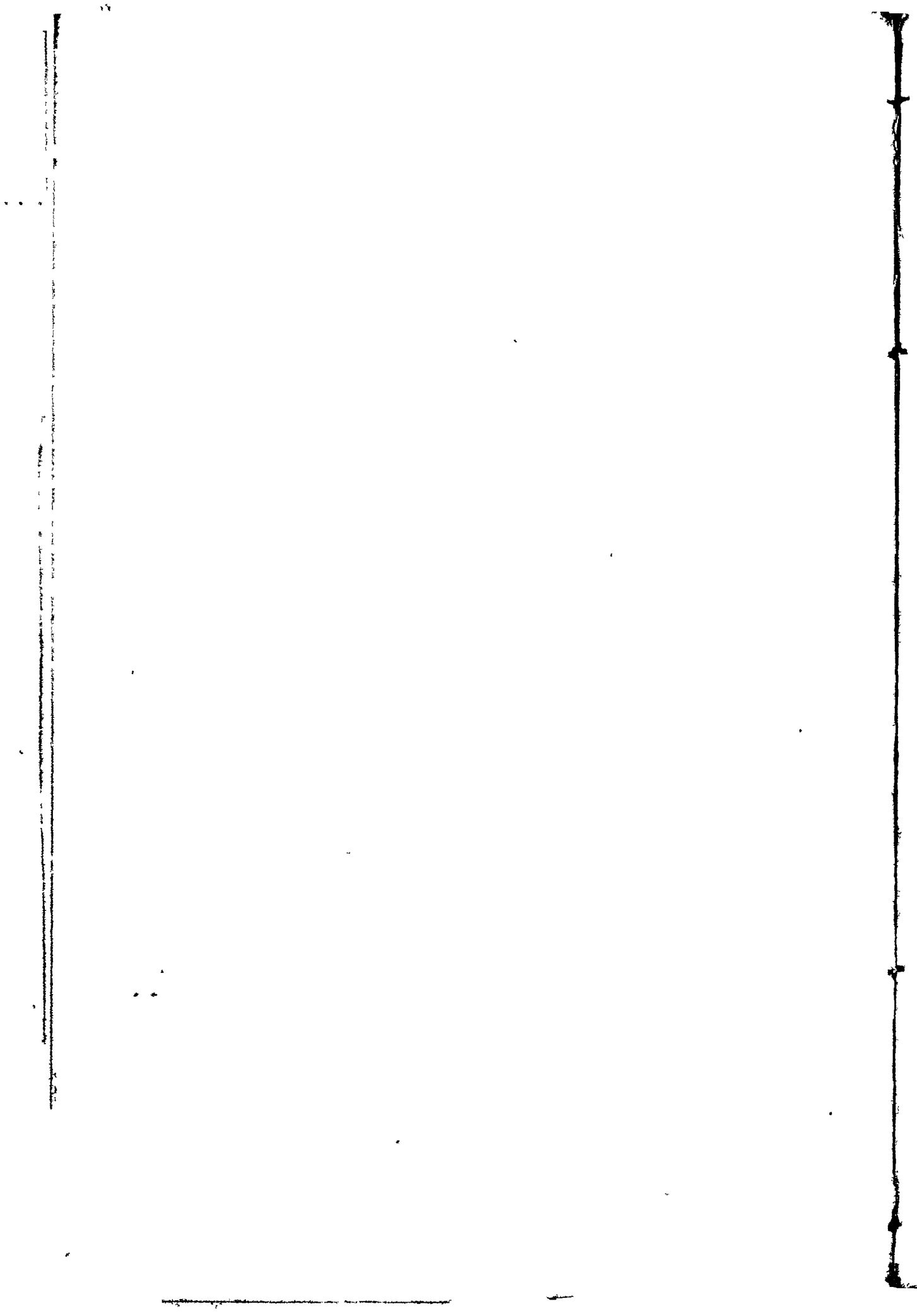
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ACTS.



ACTS.

AN ACT

Extending the Time for the Collection of Taxes in Pima County.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That the time allowed by section twenty-two, chapter thirty-three, Howell Code, as amended, for the collection of taxes, is hereby extended in Pima County, for the current year, until the last day of December, and that the Collector of said Pima County, is hereby authorized to collect the taxes of said county, on or before the first day of January next.

SEC. 2. That the acts of the County Collector, County Treasurer, and other officers of Pima county, under the provisions of this act, shall be held as legal and valid as though performed in full compliance with the said section of chapter thirty-three, of the Code as amended.

APPROVED November 30, 1868.

AN ACT

To Repeal Chapter Nin teen, Howell Code, "Of the Territorial Paper."

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That chapter nineteen, Howell Code, "Of the Territorial Paper," approved November 10th, 1864, be, and the same is, hereby repealed.

EC. 2 This act to take effect and be in force from and after its passage.

APPROVED November 30, 1868.

AN ACT

Granting Leave of Absence to the County Recorder of Pima County.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That Oscar Buckalew, County Recorder of the county of Pima, be and is hereby granted leave of absence; for the period of seven months during the year one thousand eight hundred and sixty-nine, *provided*, that said Oscar Buckalew leave a deputy in his stead.

SEC. 2 This act shall be in force from and after the first day of January, 1869.

APPROVED November 30, 1868.

AN ACT

Defining the Time when certain Acts shall take effect.

Be it enacted by the Legislative Assembly of the Territory of Arizona .

SECTION 1. All acts passed at this session of the Legislature shall take effect and be in force from and after their passage, unless a different time be expressed in such act or acts

SEC. 2 This act shall take effect and be in force from and after its passage

APPROVED November 30, 1868.

AN ACT

To Repeal Section Eighteen of an Act Creating the Office of District Attorney.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That section eighteen of an act entitled "An Act Creating the Office of District Attorney," approved October twenty-seventh, A. D. one thousand eight hundred and sixty-six, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED November 30, 1868.

AN ACT

To Permanently Locate the Territorial Prison for the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona .

SECTION 1. That on and after the passage of this act, the permanent location of the Territorial Prison, shall be and the same is hereby established and located at, or in the immediate vicinity of the town of Phoenix, in the county of Yavapai, and Territory of Arizona.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED December 7, 1868

AN ACT

Amendatory of Chapter Forty-five, Howell Code, of District Courts.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That section eighteen of chapter forty-five, Howell Code, is hereby amended so as to read as follows : The District Judges shall at all reasonable times, when not engaged in holding Courts, transact such business at their chambers, as may be done out of Court, at chambers : they may try and determine writs of *mandamus*, *certiorari*, and *quo warranto* ; hear and dispose of all application for new trials, orders and writs, which are usually granted in the first instance upon an *ex parte* application, and may, in their discretion, also hear applications to discharge such orders and writs.

SEC. 2 This act shall take effect and be in force from and after its passage.

APPROVED December 7, 1868

AN ACT

Entitled an Act to Repeal the Sixth Clause of Section Fourteen of Chapter Forty-seven of the Howell Code, entitled "Of Jurors."

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That the sixth clause of section fourteen of chapter forty-seven, of the Howell Code, entitled "Of Jurors," be and the same is hereby repealed.

SEC. 2. All acts and parts of acts conflicting with the provisions of this act, be and the same are repealed.

SEC. 3. This act shall take effect and be in force from and after the first day of February, 1869.

APPROVED December 9, 1868.

AN ACT

Regulating the Fees of Jurors.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That Jurors shall receive for their services in civil cases, to be paid by the party in whose favor verdict may be rendered, and before the same shall be entered, but said Juror's fees may be recovered as costs from the party losing the case, in Justices' Courts, two dollars per day, or per case where the case continues for no more than one day ; in County Courts or District Courts, three dollars per day, or per case ; *provided*, that in the District and County Courts the Clerks shall keep an accurate account of all money received for trials by each Juror during the term, and if the amount so received by such Juror shall not amount to three dollars per day, the Clerk shall deliver to such Juror a certificate of the time for which the Juror is still entitled to receive pay, which shall be paid out of the County Treasury as other county dues. If in any trial in civil cases, before any Court, the Juror be for any case discharged without finding a verdict, the fees of the Juror or Jury shall be paid by the plaintiff, but may be recovered as other costs in the case, if judgment be afterward rendered in favor of the plaintiff, Until said costs shall be paid no further proceedings shall be had or allowed in the action.

SEC. 2. No person shall be allowed fees for sitting or serving upon a Coroner's Jury.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

APPROVED December 11, 1868.

LAWS OF ARIZONA.

AN ACT

Creating the Office of County Surveyor.

Be it enacted by the Legislative Assembly of the Territory of Arizona.

SECTION 1. That there shall be elected in each county of the Territory at the next general election, a County Surveyor, who shall take the official oath now prescribed by law, and give such official bond as shall be in amount fixed by the Board of Supervisors, to be conditioned, secured, approved, filed, and recorded as the bonds of other county officials are, and shall be so conditioned as to hold the principal and sureties liable for any breach thereof made while acting or illegally refusing to act.

SEC. 2. The official bond of no County Surveyor shall be less than one thousand dollars, and the Board of Supervisors may at any time require a new bond, or a additional bond, to be given on ten days' notice to be given in writing, and if such new bond or additional bond is not given, the Board of Supervisors shall declare the office vacant, and shall fill the vacancy by appointment for the remainder of the term, and shall fill a vacancy in like manner if arising from any other cause.

SEC. 3 That the County Surveyor shall in all cases be elected for the term of two years, and until such time as there is one elected in each county the Board of Supervisors in each county are authorized to appoint a County Surveyor for their respective counties, to hold said office until the next general election, or until his successor is duly elected and qualified.

SEC. 4 Every County Surveyor shall keep a record of the plat and field notes of each survey made by him or his Deputies, in a book or books provided by the county for that purpose, a certified copy of which record, or any other record in his office, he shall furnish to any person requesting the same. The records of all the surveys hereafter recorded shall be so made and arranged as to be easy of reference. The said Surveyor shall also preserve the original field notes and calculations of each survey made by him or his Deputies, and shall deliver them, together with the records of his office, to his successor.

SEC. 5. The Surveyor or his Deputies may demand and receive for their services the following fees, to wit :
For each days' service, six dollars

For each mile in going from his office to the place of rendering such service and returning, twenty cents.

For plat and certificate, except town plats, one dollar.

For recording a survey, one dollar.

SEC. 6. In all surveys the bearings shall be expressed as nearly as may be according to the true meridian, and the declination of the magnetic meridian from the true meridian shall be given, with the year, month, and day of the survey, except in the survey of an east and west or north and south line, when the declination of the needle from the line surveyed with the date thereof, shall be sufficient.

SEC. 7. This act shall take effect and be in force from and after the first day of January, 1869

APPROVED December 12, 1868.

AN ACT

To License Dance Houses

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. It shall be lawful, and the collectors of licenses of the several counties of this Territory are hereby authorized and directed to collect a license tax of not more than twenty nor less than five dollars, of any and all persons who shall keep a dance house within the limits of any town or village in this Territory, which license shall be collected for each night of dancing.

SEC. 2. All moneys collected under the provisions of this act shall be appropriated by the Supervisors of the respective counties, to grading and repairing of the streets of the town or village in which such license shall be collected

SEC. 3. This act shall be governed by the license laws of this Territory in all respects, except the manner of the appropriations of the moneys.

SEC. 4. This act shall take effect and be in force from and after its passage.

APPROVED December 14, 1868.

AN ACT

Providing a Salary for the District Attorney of the County of Yuma,

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. The District Attorney of the County of Yuma shall receive an annual salary of two hundred and fifty dollars, paid quarterly out of the General Fund of the county.

SEC. 2. All acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed

SLC. 3. This act to take effect and be in force from and after the thirty-first day of December, A. D. one thousand eight hundred and sixty-eight.

APPROVED December 14, 1868.

AN ACT

Concerning Public Highways or Streets in Towns having a Population exceeding Five Hundred.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. In all the towns in this Territory not incorporated, and containing a population of more than five hundred souls, the streets shall be considered as public highways, and under the control of the Board of Supervisors of the county in which such towns may be situated.

SEC. 2 The Board of Supervisors of the several counties are hereby authorized and empowered to designate in all such towns in their respective counties, what streets shall be considered public highways under the provisions of this act, and to give appropriate names to all such streets; *provided*, that this act shall apply only to towns or portions of towns, settled upon or built since the first day of May, A. D. 1864

SEC. 3. The Board of Supervisors of each county is hereby

authorized and empowered to appoint a Superintendent of Streets and Highways in said towns, who shall receive for his services in that capacity such sum for each year, payable quarterly out of any county funds appropriated for the benefit of public highways, as may be deemed just in the discretion of the Supervisors.

SEC. 4. It shall be the duty of the Superintendent appointed as provided in section three of this act, to superintend the public streets or highways, and have them leveled in such manner and to such extent as may be directed by the Board of Supervisors, and keeping in good condition for service, and as soon as *practicable* after his appointment as such Superintendent, and at such other times afterward as the Board of Supervisors may direct, he shall notify the owners, or occupants of lots on each of said streets, or of proposed new streets, to level the ground in front of their said lots to the middle of said street, so far as their lots may extend on said street.

SEC. 5. Every owner or occupant of lots upon the said streets, whether buildings be erected thereon, or the lots be vacant, upon receiving from the Superintendent the notification required by section four of this act, shall perform, or cause to be performed, the labor required by said section four, within one month from the date of such notification. The said labor to be performed by or at the expense of the owners of said property.

SEC. 6. If any person or persons, owning or occupying buildings or lots on said streets, shall fail to comply with the provisions of section five of this act, the Superintendent shall forthwith bring suit against such person or persons, so offending, before any Justice of the Peace of the county in which such town is situated, for violation of the provisions of this act, and upon conviction thereof such person or persons, shall be fined not less than ten dollars, nor more than one hundred dollars, for each and every violation of this act.

SEC. 7. All fines collected under the provisions of this act shall be forthwith paid into the County Treasury by the Justice of the Peace collecting the same, and all moneys so paid into the County Treasury shall be applied by the Board of Supervisors to the purpose of repairing the streets or highways of the towns in which such fines were collected.

SEC. 8. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

APPROVED December 14, 1868.

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AN ACT

For the Relief of the Territorial Librarian.

Be it enacted by the Legislative Assembly of the Territory of Arizona .

SECTION 1. The Territorial Auditor is hereby authorized to audit and issue a warrant in favor of the Territorial Librarian for seventy-six dollars, being the amount paid for freight, express and other charges, upon books and other documents, received for the Territorial Library from December first, A. D. one thousand eight hundred and sixty-seven, to December first, A. D. one thousand eight hundred and sixty-eight. Also, to draw a warrant in favor of the Territorial Librarian for two hundred and fifty dollars, to cover expense of fitting up shelving for the library in the room it now occupies, and for removing the same, and fitting it up with increased dimensions, in the new room to which the library is about to be moved.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED December 15, 1868.

AN ACT

To Enforce the Collection of Territorial Revenue.

Be it enacted by the Legislative Assembly of the Territory of Arizona .

SECTION 1. That in all suits or proceedings of a civil nature in the name or in behalf of the Territory, for the purpose of enforcing the revenue of the Territory against county officers or other persons delinquent in that behalf, the District Court for the county, and the proper Judge thereof, in which the capital is or may be located or otherwise established, shall have the same jurisdiction as the Court or Judge of the county in which any such cause of action shall have, or may hereafter have, or in which any such delinquent may reside, or be found, and that for the purpose of exercising the jurisdiction hereby given, the pro-

cess of the said Court or Judge of the County in which the capital is or may be situated, may be addressed to the Sheriff or any other proper officer of any county in the Territory, and shall by such Sheriff, or other officer, be executed and returned to the Court or Judge issuing the same, in like manner and with the same force and effect as if the same had issued from the Court or proper Judge of which such Sheriff, or other officer, is the proper officer by existing law, or as the Court or Judge issuing the same shall direct.

SEC. 2. All acts or parts of acts conflicting with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after the first day of January, A. D. one thousand eight hundred and sixty-nine

APPROVED December 15, 1868.

AN ACT

Concerning Executors and Administrators and their Sureties

Be it resolved by the Legislative Assembly of the Territory of Arizona :

SECTION 1. In all cases in the Howell Code where it is required that administrators or executors, or their sureties, shall subscribe on oath or affirmation, before the Judge or Clerk of some court having a seal, it is hereby provided, that said oath or affirmation may be taken before any Notary Public or other officer having a seal.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED December 15, 1868.

AN ACT

Regarding Territorial Bonds and Warrants.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That all outstanding bonds issued by the Territorial Treasurer under authority of the act, "To provide for the contingent expenses of the Territorial Government," approved November ninth. one thousand eight hundred and sixty-four are hereby declared valid and legal and the faith and credit of the Territory, pledged for their payment.

SEC. 2 The interest on said bonds shall be paid by the Treasurer upon presentation of the coupons at his office : in cases where the bonds are already due, and the coupons exhausted, the interest shall be computed from the date when the bond became due, and paid annually at the same rates as called for by the coupons ; the Treasurer shall take the receipt of the bondholder, for interest paid in this manner, as a voucher, and shall endorse upon the bond the date to which the interest is paid.

SEC. 3. The Territorial Treasurer is authorized to set apart from the money of the Territory, from time to time, a sufficient amount to pay the interest on the Territorial bonds as it shall become due

SEC 4. All Territorial warrants now outstanding, and those hereafter drawn, shall be paid by the Treasurer in the order in which they were issued, upon presentation : *provided*, they are drawn in accordance with the Territorial laws. If upon presentation to the Treasurer of any warrant he has not the funds in hand to pay the same, he shall indorse the day of its presentation upon the back of the warrant, and whenever it is paid interest at the rate of ten per cent. per annum in United States currency shall be allowed from said day, and paid in addition to the principal.

SEC. 5. Whenever the Treasurer has on hand funds beyond the amount to pay interest on the bonds, and to meet outstanding warrants, he shall proceed to redeem the bonds of the Territory in the order of their presentation to him. If none are presented, he shall advertise in the paper published at the capital, at least two consecutive times, announcing his readiness to

redeem bonds to the extent of the funds on hand, and shall allow at least thirty days for their presentation.

SEC. 6. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

APPROVED December 15, 1868

AN ACT

Creating the Office of Attorney General.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. There shall be an Attorney General of the Territory, who shall be appointed by the Governor, by and with the advice and consent of the Legislative Council, and shall hold his office for the term of two years, and until his successor shall be appointed and qualified. He shall reside and keep his office at the capital of the Territory.

SEC. 2. The first term of the office of Attorney General, created by this Act, shall commence on the first day of January, A. D. one thousand eight hundred and sixty-nine, and shall continue until the last day of December, A. D. one thousand eight hundred and seventy.

SEC. 3. In case of a vacancy in the office of Attorney General, occasioned by resignation or death, or arising from any other cause, while the Legislature is not in session, the Governor shall appoint a suitable person to fill such vacancy, who shall give the same bond and perform the same duties as are prescribed for the Attorney General by the provisions of this Act; and the term of office of the person so appointed shall continue until the last day of the session of the next succeeding Legislature, and if such appointment be confirmed by the Council of such Legislature, shall extend to the whole of the unexpired term for which such appointment shall have been made.

SEC. 4. Before entering upon the duties of his office, the Attorney General so appointed, shall give a bond with security,

to be approved by the Governor, in the sum of one thousand dollars, conditioned for the faithful performance of the duties of his office.

SEC. 5. The Attorney General shall attend each of the terms of the Supreme Court, and there prosecute or defend, as the case may be, all causes to which the Territory may be a party, also all causes to which any officer of the Territory, in his official capacity, may be a party; also all causes to which any County may be a party, other than those in which the interest of such County or of such officer may be adverse to the Territory. He shall institute such suits in the several District Courts as the interests of the Territory may require, *provided*, that in case it shall be necessary to bring suit on behalf of the Territory in any other District Court than that held at the capital of the Territory, he may employ competent counsel to attend personally to such suit in such Court; and such counsel shall receive for such services such compensation as may be allowed by the Court in which such cause shall have been tried; after judgment obtained in any such case, he shall direct such proceedings, and sue out such process as may be required to carry the same into execution. He shall account for and pay over to the Territorial Treasurer all money which may come into his hands belonging to the Territory.

SEC. 6. When required, the Attorney General shall give his opinion in writing, without fee, to the Legislature or to either House thereof, upon any question of law, and also to the Governor and the Secretary of the Territory, to the Territorial Treasurer and the Territorial Auditor. He shall also, within ten days next preceeding the meeting of the Legislature in each year, make a report to the Governor of the condition of the affairs of his department, and in said report make such suggestions as shall appear to him calculated to improve the laws of the Territory; and shall communicate to the Governor or either House of the Legislature, when ever requested, any information concerning his office.

SEC. 7. The Attorney General may, in cases which he shall deem of sufficient importance, employ counsel to assist him, who shall receive such compensation for services so rendered, as may be allowed by the Court in which such cause or causes shall have been tried.

SEC. 8. The Attorney General shall receive an annual salary of four hundred dollars, to be paid quarterly by the Territorial Treasurer on the warrant of the Territorial Auditor, drawn for that purpose; and in addition thereto, for every civil cause which he may successfully prosecute or defend, as Attorney General, he shall receive a fee of fifty dollars, to be taxed as

costs as against the adverse party. Upon all moneys, which as Attorney General he shall collect and pay over according to law, he shall receive five per cent., to be retained by him at the time of paying over such money.

SEC. 9. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its passage

APPROVED December 15, 1868.

AN ACT

Regarding Weights and Measures.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION. 1. That it is hereby established that throughout this territory, a bushel of corn shall consist of fifty-four pounds; a bushel of wheat of sixty pounds; a bushel of barley of forty-five pounds; a bushel of rye of fifty-six pounds; a bushel of oats of thirty-two pounds; a bushel of small white beans of sixty pounds; a bushel of other beans of fifty-five pounds; one hundred pounds shall constitute one hundred weight, and two thousand pounds shall constitute one ton.

SEC. 2. In all transactions the foregoing shall be the standard of weights in this Territory, unless otherwise especially agreed upon by the parties interested.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED December 14, 1868

AN ACT

To Amend Section seventeen of Chapter twenty-two, Howell Code of Education

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION. 1. Section seventeen of chapter twenty-three, Howell Code, is hereby amended so as to read as follows :

Section 17. The Territorial Librarian shall cause all books and property belonging to the Territorial Library, to be properly stamped or marked, and shall one month prior to, of each regular annual meeting of the Legislature, make out and deliver to the Governor, a full catalogue of all such books and property in his possession. A copy of such catalogue shall be sent, by the Governor, to the Speaker of the House of Representatives on the meeting of the House, and published annually with the book edition of the Journals of the Legislature. The Territorial Librarian is hereby authorized to pay reasonable freight, express and mail charges, upon books or other documents sent to the Territorial Library by the General or State Governments, or by private parties, taking proper vouchers therefore, and upon the presentation of said vouchers to the Territorial Auditor, he shall at the end of each quarter in the year, issue a warrant upon the Territorial Treasurer, in favor of the Territorial Librarian, for the amount due at the time.

APPROVED December 15, 1868.

AN ACT

To Prevent and Punish the Sale of Arms and Ammunition to Indians

Be it enacted by the Legislative Assembly of the Territory of Arizona .

SECTION 1 Any person or persons within this Territory who shall sell or give arms or ammunition to any Indians, or repair arms for them, shall upon conviction thereof be punished as follows :

SEC. 2. Whenever it shall appear by a complaint made upon the affidavit of the complainant, satisfactory to any Justice of the Peace, that any person or persons has been guilty of selling or giving arms or ammunition to any Indian or Indians, or who has been guilty of repairing arms for their use, within the County or precinct where such Justice shall reside, he shall issue a warrant and cause to be arrested, the person or persons so offending, who shall be tried before him, and if found guilty and convicted, the person so convicted shall be fined for the first offense fifty dollars, together with the costs; and if convicted a second time, the said person or persons so convicted shall be fined not less than one hundred dollars, together with the costs, and imprisoned in the County Jail for the term of thirty days; *provided*, that the penalties of this act shall not be applied to persons selling arms or ammunition, or repairing arms to or for the following tribes, Pimas Maricopas, Papagoes and tame Apaches

SEC. 3. That one-half of all fines collected under the provisions of this act, shall be applied to the road fund of the county in which the conviction is made, and the other half shall be paid to the informer.

SEC. 4. This act shall apply to Pahr Ute County only, and shall take effect and be in force from and after the first day of January A. D. 1869

APPROVED December 15, 1868

AN ACT

To Amend Section four, Chapter thirty-three, Howell Code, "Of Finance and Taxation."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1 Division or paragraph fourth of section four, chapter thirty-three, Howell Code, "Of Finance and Taxation," is hereby amended so as to read as follows.

Fourth—The actual capital paid in of all banks, mining or other corporations organized in the territory, the property of whatever kind within the Territory of all corporations, whenever organized, and all money or funds held within the Territory by

any corporation in trust or on deposit for persons or corporations other than citizens or corporations of the territory, and used in commerce, mining or trade, for the benefit of such persons or corporations.

SEC. 2. Any acts or parts of acts in conflict with this division of section four, chapter thirty-three, Howell Code, as now amended, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED December 15, 1868.

AN ACT

Fixing the Compensation to be allowed to the Sheriffs of the several Counties for the performance of their duties as ex-officio County Assessors.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. The Board of Supervisors of each County in the Territory, shall allow to the Sheriffs of said County the amount per day herein specified for the time in which he shall have been actually engaged, either personally or by deputy, in making the annual assessment of such County; *provided*, that no greater number of days shall be allowed for making such assessment than that herein specified, to wit:

In the County of Pima, ten dollars per day for seventy days.
In the County of Yavapai, ten dollars per day for fifty days.
In the County of Yuma, ten dollars per day for thirty days.
In the County of Mohave, ten dollars per day for twenty days.
In the County of Pah Ute, ten dollars per day for twelve days.

SECTION 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after the first day of January, A. D. 1869.

APPROVED December 15, 1868.

AN ACT

To Repeal Sections one, two, three, four, seven and nine, of an Act entitled "An Act Concerning the Territorial Indebtedness," approved October 5th, 1867.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That sections one, two, three, four, seven and nine, of an act entitled "An Act concerning the Territorial Indebtedness," approved October 5th, A. D. one thousand eight hundred and sixty-seven," be and the same are, hereby repealed.

SEC. 2. That this act shall take effect and be in force from and after its passage.

APPROVED December 15, 1868.

AN ACT

Fixing the time of holding the District Court for the Second Judicial District, in the County of Mohave

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. There shall be held in the County of Mohave, at the seat of justice of said County, in each year, one term of the District Court, for the Second Judicial District, said term to commence on the first Monday in May of each year.

SEC 2 All processes returnable at any other time in said Court, are hereby made returnable at the time specified in this act

SEC. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC 4. This act shall take effect and be in force from and after its passage.

APPROVED December 15, 1868.

AN ACT

For the Relief of Foreign Corporations doing Business in the Territory.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. All mining or other corporations organized in other Territories, or in the States doing business in this Territory, are hereby relieved from the payment of any and all taxes levied upon them in the year one thousand eight hundred and sixty eight, beyond those assessed upon the actual value of their real and personal estate within the Territory.

SEC. 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED December 15, 1868.

AN ACT

Concerning the Territorial Treasurer, the County Treasurers, and Clerks of Boards of Supervisors.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1 It shall be the duty of the County Treasurer, County Collector and District Attorney of each County in this Territory, to assemble with the Board of Supervisors of their respective counties at their regular meeting on the first Monday in January, April, July and October of each year, at ten o'clock A. M., of said days. The County Collector shall then, in the presence of the Board of Supervisors, make a full statement of all his accounts with the Treasurer, and deposit in the hands of said Treasurer all money, blank licenses, poll tax receipts, and all other accounts that may be due the County or Territory, taking the Treasurer's receipt therefor, except the delinquent tax-roll

SEC. 2. Each of the County Treasurers shall at said meeting, after the settlement made by the Collector, place in the hands of the Board of Supervisors all money, books and papers, pertaining to his office, and the Supervisors shall then and there examine all the accounts of said Treasurer, and if found correct in every particular, they shall return to him all such money, books and papers, taking his receipt therefore, and charging him with the same. The Treasurer shall then turn over to the County Collector, all such books, blank licenses, poll tax receipts and other papers as may be necessary to enable him to proceed with his collections, and the County Collector and Board of Supervisors shall within five days after the first Monday in January in each year, deliver to the District Attorney the delinquent tax roll, revised, and the Collector and District Attorney of each County shall immediately proceed to collect the delinquent taxes and licenses as required by law.

SEC. 3. If any defalcation or neglect of duty shall appear on the part of any County Collector or County Treasurer, in the settlement hereinbefore provided for, it shall be the duty of the Board of Supervisors to forthwith suspend such officer from the discharge of any official acts, and to immediately appoint some competent person to fill such office until such defalcation or neglect shall be finally adjudicated, and the person so appointed, shall immediately give such bonds and make such other qualifications as is provided for by law, and it shall be the duty of the Board of Supervisors to retain in their possession all money and papers that they may receive from such defaulting or neglectful officer, until the person appointed in his place shall have qualified; when they shall deliver the same to such person, taking his receipt therefore, and filing the same with the Clerk of the Board for reference.

SEC. 4. From and after the first Monday in January, A.D. one thousand eight hundred and sixty-nine, it shall be the duty of the Clerk of the Board of Supervisors of each County, immediately after each quarterly settlement of the County Treasurer with the Board of Supervisors, to prepare a statement of the amount of all money, from whatsoever source collected, paid over to the Board, showing the portion thereof belonging to the Territory; and within ten days after each settlement of the County Treasurer, to transmit said statement, certified to by the said Clerk in his official capacity, to the Territorial Treasurer.

SEC. 5. Within ten days after the issuance of the warrant by the Chairman of the Board of Supervisors for the collection of the taxes levied in the annual tax roll, it shall be the duty of the Clerk of the Board of Supervisors in each County, to transmit to the Territorial Treasurer a written statement, showing the

amount of taxes due the Territory, contained in the annual tax roll, as shall appear from the footings made by the Board.

SEC. 6. Within ten days from the first Monday in January of each year hereafter, it shall be the duty of the Clerk of the Board of Supervisors in each County to transmit to the Territorial Treasurer, a written statement, showing the amount of the delinquent tax roll.

SEC. 7. On reception of the statement from the Clerk of the Board of Supervisors, required by section four, the Territorial Treasurer is authorized to draw upon the County Treasurer of each County for the amount of Territorial money shown to be in his hands; ordering the transmission of said money in the United States Mails by registered letters, at the risk of the Territory, and upon the reception of such order, the County Treasurer is hereby required to so transmit all such money within ten days thereafter, under the penalties provided by law for neglect of duty; *provided*, that nothing in this section shall be construed to prevent the Territorial Treasurer from ordering the transmission of Territorial money by such other method as he may deem expedient at his own risk.

SEC. 8. It shall be the duty of the District Attorney to pay to the County Treasurer on the first Monday of each month, all money due the County, collected by him during the preceding month.

SEC. 9. It shall be the duty of the Sheriff to pay to the Treasurer on the first Monday of each month.

SEC. 10. The books of account of the Board of Supervisors shall be open to inspection at all times.

SEC. 11. On or before the first day of January, A. D. one thousand eight hundred and sixty-nine, and from time to time thereafter, as occasion may require, the Board of Supervisors shall furnish to the Clerk of the Board of Supervisors and County Treasurer, all necessary books and blank receipts, and none other shall be used by said officers than those so furnished; and it shall be the duty of the Clerk of the Board of Supervisors and the County treasurer, to sign all such blank receipts as furnished the several County officers by the Board of Supervisors, as provided, in the preceding part of this section.

SEC. 12. On and after the first day of January, A. D. one thousand eight hundred and sixty-nine, all County dues shall be paid in lawful money.

SEC. 13. All outstanding County warrants, and all warrants

hereafter issued by a Board of Supervisors, shall be paid in the order in which they are issued; *provided*, that it shall be the duty of the County Treasurer, whenever he shall have on hand funds to the amount of five hundred dollars, to advertise by publication in some newspaper published in his County, if there be one, if not, by public notices in at least three conspicuous places in said County, that he will redeem warrants to that amount, specifying the numbers of the warrants then in order for redemption; *provided*, further, that if any warrant so specified, shall not be presented within ten days from the date of such advertisement; said warrants shall be over until the succeeding advertisement is made, and warrants next in order shall be paid on presentation.

SEC. 14. If, under the provision of the preceding section, the warrant next in order for payment, shall exceed the sum of five hundred dollars, the Treasurer shall pay the amount on hand on said warrant, endorsing the same thereon.

SEC. 15. The County Treasurer shall, on the first Monday in January, make a full and complete statement of all money received, and from what source, and of all money disbursed by him, and transmit a copy of the same to the Territorial Treasurer, and file a copy with the Clerk of the Board of Supervisors.

SEC. 16. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 17. This act shall take effect and be in force on and after the thirty-first day of December, A D eighteen hundred and sixty-eight.

APPROVED December 15, 1868.

AN ACT

Providing Penalties for Refusal to Perform Duty, Neglect of Duty, and Malfeasance in Office, by certain County Officers.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. In case of neglect or refusal to perform any of the duties required of them by law, or of malfeasance in office of any Sheriff, County Recorder, Clerk of the Board of Supervisors, County Collector, County Treasurer, Public Administra-

tor or Clerk of Court, it shall be the duty of the Board of Supervisors of the County in which such offense may be committed, to bring suit forthwith against the officer so offending, in any Court of competent jurisdiction; and it shall be the duty of the District Attorney to prosecute such suit, and such Court shall proceed in a summary manner to dispose of the case according to law; and upon conviction shall make an order removing the person from office. All actions arising under the provisions of this act shall be entitled, "The Territory of Arizona of Arizona Against."

SEC. 2. In case of conviction and removal as aforesaid, of any officer, it shall be the duty of the District Attorney to immediately prosecute the sureties of such officer in the manner prescribed by law.

SEC. 3. In case of refusal or neglect to perform any of their duties as prescribed by law, or in case of malfeasance in office of any member or members of any Board of Supervisors, upon complaint thereof being made to the District Attorney of the County, it shall be his duty to prosecute such member or members for such refusal to perform or neglect of duty; or for such malfeasance in office as the case may be, before any Court of competent jurisdiction, and in case of conviction of any of the offenses specified in this act, such Court shall make an order removing the person so convicted from office.

SEC. 4. In case of malfeasance in office, or of neglect or refusal to perform his duties on the part of any District Attorney, it shall be the duty of the Board of Supervisors of the proper County, to bring suit forthwith against such District Attorney, and to employ counsel to prosecute the case in the proper Courts, and upon conviction thereof such District Attorney shall be removed from office by an order of the Court.

SEC. 5. When any officer mentioned in the preceding section, shall be convicted of any of the offenses mentioned in the foregoing sections in addition to removal from office, he shall be fined not less than one hundred dollars, nor more than five hundred dollars, in the discretion of the Court.

SEC. 6. In case of the removal from office of a majority of the Board of Supervisors of any County, or if said offices shall otherwise become vacant, the Judge of Probate of said County shall appoint suitable persons to fill such vacancies during the disabilities of said Supervisors, or until said vacancies shall be filled by election or otherwise, and the said Supervisors so appointed shall qualify in the same manner, and be subject to removal in the same manner, and be liable to the same penalties as the original Supervisors.

SEC. 7. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC 8 This act shall take effect and be in force from and after its passage.

APPROVED December 15, 1868

Jas. Healy

AN ACT

Amendatory of Chapter fifty-seven, Howell Code, "Of the Fees of Officers."

Be it enacted by the Legislative Assembly of the Territory of Arizona

SECTION 1. That Section nine of Chapter fifty seven, Howell Code, be so amended as to read For serving a summons or other process by which an action or proceeding is commenced on each defendant, two dollars; for traveling in making such service per mile, thirty cents for every mile actually traveled, to be computed in all cases from the Court House of the county, and in all criminal cases twenty cents per mile for each mile actually traveled, to be computed as in this section provided

SEC 2 All other fees as provided by section nine shall be the same as provided by said section

SEC 3 All acts and parts of acts in conflict with this act are hereby repealed

SEC 4. That this act shall take effect and be in force from and after its passage

APPROVED December 15, 1868

AN ACT

To Establish Public Schools for the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona.

SECTION 1. That the Board of Supervisors of each of the several organized counties, and every county that may be hereafter organized within this Territory, be and they are hereby constituted Boards of Education for each of the several counties of this Territory, in which they have been duly elected as Boards of Supervisors; and shall perform such duties as such Boards of Education, as may be required of them, by the provisions of this act. They shall hold their offices during the time for which they have been elected as said Boards of Supervisors for their several Counties.

SEC. 2. Said Boards shall hold an annual meeting, at the County seat of each of their respective counties, on the same or subsequent day of their first regular meetings as Boards of Supervisors; and such other special meetings during the year, as the Boards may in their judgment, deem proper and necessary.

SEC. 3. Said Boards of Education of the several counties in this Territory, shall from time to time, as they may deem proper, recommend to the Legislature such alterations, revisions and amendments of existing laws, relating to Common Schools, as in their judgment are demanded, in order to the perfecting of a system of general education in this Territory; and they shall annually make a report of their official doings, and of the state and condition of the schools in their respective counties, to the Legislature during the first week of its session

SEC. 4. Said Boards may at any time fill a vacancy in the office of Superintendent of Public Schools in their respective counties

SEC. 5. The Boards of Education in the several counties shall select a list of books for the different branches usually taught in Common Schools, which list shall constitute the text books for district schools, and shall cause such list to be published in all the newspapers in said county, in the month of January in each year; and on and after such publications, no other books but those prescribed in the list by said Boards shall be used in any of the district schools in their respective counties, except

by permission of the Superintendent of Public Schools or the District Board.

SEC. 6. It shall be the duty of the Board of Supervisors of the several counties in this Territory, to divide their counties into school districts when necessary, and sub-divide the same whenever petitioned by a majority of the citizens thereof, and to furnish the County Recorder of such county with a written description of the boundaries of each district so formed; which description must be filed with said County Recorder before said district shall be entitled to proceed with its organization by the election of School District officers. Whenever it shall be deemed necessary to form a School District from parts of two or more counties, it shall be the duty of the Board of Supervisors of each county in which any part of the proposed joint district shall be situated, to unite in laying out such joint district; and the Board of Supervisors so assisting, shall file a description of said joint district with the County Recorder of their county; *provided*, however, that said Boards shall not be allowed to form a district, unless the area comprising said district shall contain within its limits twenty children of the age four and under twenty-one years.

SEC. 7 The several counties in this Territory shall, at their annual election, elect a competent person to be Superintendent of Public Schools in and for such county, who shall hold his office during the school year commencing on the first of November, or until his successor is elected and qualified; who shall receive for his services four dollars each day actually spent in the discharge of his legal duties, and a reasonable sum for his annual report to the County Board of Education in his county; and every Superintendent of Schools shall make out in detail his account for official services rendered, and make oath or affirmation to the correctness of the same before some Justice of the Peace in the county in which he resides, which oath or affirmation shall be certified by said Justice before such Superintendent's account shall be presented to the County Recorder for allowance, who shall audit and allow the same, or so much thereof as is just and reasonable, and the same shall be paid out of the County Treasury upon the order of the County Recorder, who is empowered to draw orders for the same; but no order shall be drawn to any such Superintendent until he shall have filed with the County Recorder a receipt from the County Board of Public Schools for the statistical returns of the preceding school year, in pursuance of the requirements of section seventeen of this act.

SEC. 8 The County Superintendent of Public Schools shall have charge of the common school interests of the county. He shall before he enters upon the discharge of the duties of his

office, take and subscribe an oath or affirmation to support the Constitution of the United States and the act organizing this Territory, and faithfully to discharge the duties of his office, which oath or affirmation shall be filed in the office of the County Recorder. He shall execute a bond with approved security, payable to the Board of County Supervisors; for the use of common schools in said county, in the penal sum of five hundred dollars. Said bond must be approved by the Board of Supervisors, and filed in the office of the County Recorder

SEC. 9 It shall be the duty of the County Treasurer, on the first Monday of April in each year, to furnish the County Superintendent of Public Schools with a statement of the amount of money in the County Treasury belonging to the School Fund, and he shall pay the same upon the order of said Superintendent to the proper district officers

SEC. 10 It shall be the duty of the County Superintendent of Public Schools, on the second Monday of April in each year, or as soon thereafter as he shall receive the statement of the County Treasurer, certifying the amount of money in the County Treasury for the use of common schools for the current year, to apportion such amount to the several districts or parts of districts within the county, in proportion to the members of children residing in each, over the age of four and under the age of twenty-one years, as the same shall appear from the last annual reports of the Clerk of their respective districts, and he shall draw his order on the County Treasurer in favor of the several district Treasurers, for the amount so apportioned to each district.

SEC. 11 It shall be the duty of the County Superintendent to visit all such common schools within their respective counties as shall be organized according to law, at least once each year, and oftener if they shall deem it necessary. At such visitations, the Superintendents shall examine into the state and condition of such schools as respects the progress in learning and the order and government of the schools; and they may give advice to the teachers of such schools as to the government thereof and the course of study to be pursued therein, and shall adopt all requisite measures for the inspection, examination and regulation of the schools, and for the improvement of the scholars in learning. Every Superintendent of common schools shall take, or cause to be taken, between the first day of October and the thirtieth day of November in each year, an enumeration of all the children resident in his county, between the ages of four and twenty-one years.

SEC. 12 He shall see that the annual reports of the Clerks of the several school districts in his county are made correctly, and in due time.

SEC. 13. He shall hold a public examination for all persons offering themselves as teachers of common schools, at the county seat of his county, on the last Saturday of April and October in each year, notice of which shall be given as publicly as possible; at which time he shall grant certificates for not less than three months nor more than one year, to such persons as he may find qualified to teach orthography, reading, writing, arithmetic, geography and English grammar. All persons offering themselves as teachers, must produce evidence of good moral character, and possess the requisite capacity to conduct and govern a common school, and any person receiving such certificate shall be deemed a qualified teacher within the meaning of this act. Persons applying to the County Superintendent for a certificate at any other time than at the public examination, shall pay to the said Superintendent the sum of one dollar for his services

SEC. 14. Whenever a school district shall be formed in any County, Superintendent of Public Schools of such County shall, within fifteen days thereafter, prepare a notice of the formation of such district, describing its boundaries and stating the number thereof, and appointing a time and place for the district meeting. He shall cause the notice thus prepared to be posted in at least five public places in the district, at least ten days before the time appointed for such meeting.

SEC. 15. The County Superintendent of Public Schools shall perform all other duties of his said office that now are, or hereafter may be prescribed by law, and he shall deliver to his successor, within ten days after the expiration of his term of office, all books and papers appertaining to his office

SEC. 16. If any vacancy occurs in the office of County Superintendent of Public Schools, by death, resignation or otherwise, notice thereof shall be given by the County Recorder to the Board of Supervisors, who shall as soon as practicable appoint some suitable person to fill the vacancy; and the person receiving such appointment shall, before entering upon the discharge of the duties of his office, file his oath or affirmation in the County Recorder's office, as hereinbefore provided, and he shall discharge all the duties of the office of County Superintendent of Public Schools until a successor is elected and qualified. He shall also give a like bond to that required by this act to be given by the County Superintendent of Public Schools.

SEC. 17. The County Superintendents shall make full and complete annual returns to the several Boards of Supervisors in their respective counties, between the first and thirty-first day of October in each year, of the number of children between the ages of four and twenty-one years, in the school districts within

their respective counties; also the number of qualified teachers employed, the length of time each district school has been taught during the year, the kind of text books used; and the amounts expended in each district, out of moneys raised for educational purposes, and for what purpose such amount was expended; the amounts raised in each district and the county, by taxation or otherwise, for educational interests, and any other items that may be of service to the County Boards of Education in preparing their annual reports

SEC 18 The inhabitants qualified to vote at a school district meeting, lawfully assembled, shall have power :

First. To appoint a chairman to preside at said meeting, in the absence of the Director.

Second. To adjourn from time to time

Third. To elect a Director, Clerk and Treasurer, who shall possess the qualifications of voters, as prescribed in the next section of this act, at the first and each annual meeting thereafter.

Fourth. To designate by vote a site for a district school house

Fifth. To vote a tax annually, not exceeding one-half per cent., on taxable property in the district, as the meeting shall deem sufficient, to purchase or lease a site, and to build, hire or purchase a school house, and to keep in repair and furnish the same with the necessary fuel, stoves and benches.

Sixth. To vote a district tax annually, not exceeding one-half of one per cent., on the taxable property in the district, for the pay of teachers' wages in the district.

Seventh. To authorize and direct the sale of any school house site, or other property belonging to the district, when the same shall no longer be needful for the district.

Eighth. To vote such tax as may be necessary to furnish the school house with black-boards, outline maps, and apparatus necessary for illustrating the principles of science, or for discharge of any debts or liabilities of the district lawfully incurred; *provided*, the tax shall not exceed one-fourth of one per cent., per annum, and may be applied to any other purpose by a vote of the district, at any regularly called meeting.

Ninth. To give such directions and make such provisions as may be deemed necessary in relation to the prosecution or defence of any suit or proceeding in which the district may be a party.

Tenth. To alter or repeal their proceedings from time to time, as occasion may require, and to do any other business contemplated in this act

SEC 19. The following persons shall be entitled to vote at any district meeting. All persons possessing the qualifications of electors, as defined by the act organizing this Territory and the

laws of this Territory, and who shall be actual residents of the district at the time of offering to vote at such election.

SEC. 20. If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter, the chairman presiding shall declare to the person challenged the qualifications of a voter, and if such challenge be not withdrawn, the chairman, who is hereby authorized, shall tender to the person offering to vote, the following oath or affirmation: "You do solemnly swear (or affirm) that you are an actual resident of this district, and that you are qualified by law to vote at this meeting." Any person, taking such oath or affirmation, shall be entitled to vote on all questions voted upon at such meeting.

SEC. 21. Every school district shall be deemed duly organized when the officers constituting the district board shall be elected; they shall signify their acceptance to the County Superintendent in writing, which he shall file in his office. Every person duly elected to the office of Director, Clerk or Treasurer of any school district, and having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by the provisions of this act, shall forfeit the sum of ten dollars to the School District Fund.

SEC. 22. The officers of each school district shall be a Director, Clerk and Treasurer, who shall constitute the District Board, and who shall hold their respective offices until the annual meeting next following their election or appointment, and until their successors are elected and qualified.

SEC. 23. Every school district, organized in pursuance of the provisions of this act, shall be a body corporate, in law, and shall possess the usual powers of a corporation for public purposes, by the name and style of "School District No. (such number as may be designated by the County Superintendent), County, (the name of the county in which the district is situated) Territory of Arizona," and in that name may sue and be sued, and be capable of contracting and being contracted with, and holding such real or personal estate as it may come in possession of by will or otherwise, or as is authorized to be purchased by the provisions of this act.

SEC. 24. An annual meeting of the qualified electors of each school district shall be held on the last Saturday of September of each year, at such hour as the District Board shall name. Special meetings may be called by any member of the District Board, or by any five legal voters, but notice of such special meeting, stating the purposes for which it is called, shall be

posted in at least three public places within the district, ten days previous to the time of meeting.

SEC 25. Whenever the time for holding an annual meeting in any district shall pass without such meeting being held, the Clerk, or in his absence, any other member of the District Board, within twenty days after the time for holding said annual meeting shall have passed, may give notice of a special meeting by putting up written notices thereof in three public places within the district, at least five days previous to the time of meeting; but if such meeting shall not be notified within twenty days, as aforesaid, the County Superintendent may give notice of such meeting in the manner provided for forming new districts; and the officers chosen at such special meeting shall hold their offices until the next annual meeting, and until their successors are elected and qualified

SEC. 26. The qualified voters at each annual meeting, or at any special meeting duly called, may determine the length of time a public school shall be taught in their district for the ensuing year, and whether such school shall be taught by a male or female teacher, or both, and whether the school money to which the district may be entitled shall be applied to the support of the Summer or Winter term of the school, or a certain portion to each; but if such matter shall not be determined at the annual or any special meeting, it shall be the duty of the District Board to determine the same

SEC 27. The Director of each district shall preside at all district meetings, and shall sign orders drawn by the Clerk, authorized by a district meeting or by the District Board, upon the Treasurer of the district, for moneys collected or received by him to be disbursed therein. He shall appear for and in behalf of the district in all suits brought by or against the district, unless other directions shall be given by the voters of such district at a district meeting.

SEC. 28 The Clerk of each district shall record the proceedings of his district in a book provided by the district for that purpose, and shall enter therein copies of all reports, made by him to the County Superintendent; and he shall keep and preserve all records, books and papers belonging to his office, and deliver the same to his successor in office.

SEC 29. The said Clerk shall be Clerk of all district meetings, when present; but if such Clerk shall not be present at any district meeting, the voters present may appoint a Clerk of such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the Clerk of the district.

SEC. 30. It shall be the duty of the Clerk to give at least ten days notice previous to any annual or special district meeting, by posting up notices thereof at three or more public places in in the district, one of which notices shall be affixed to the outer door of the school house, if there be one in the district; and said Clerk shall give the like notice of every adjourned meeting, when such meeting shall have been adjourned for a longer period than one month. Every notice for a special district meeting shall specify the objects for which such meeting is called, and no business shall be acted upon at any special meeting, not specified in said notice.

SEC. 31. The Clerk of the district shall draw orders on the Treasurer of the district, for moneys in the hands of such Treasurer, which have been apportioned to or raised by the district to be applied to the payment of teachers' wages, and apply such money to the payment of teachers' wages as shall have been employed by the district Board, or by the citizens of the district; and the said Clerk shall draw orders on the said Treasurer, for moneys in the hands of such Treasurer, to be disbursed for any other purpose ordered by a district meeting, or by the district Board, agreeably to the provisions of this act.

SEC. 32. It shall be the duty of the Clerk to make out tax lists of all taxes legally authorized by the district; and annex to such tax lists a warrant under the hand of said Clerk, directed to the said Treasurer of said district, requiring said Treasurer to collect the same therein named.

SEC 33. The Clerk of each district shall, between the first and twentieth days of September in each year, make out and transmit a report in writing to the County Superintendent of Public Schools showing:

First. The number of children, male and female, designated separately, residing in the district, or part of districts, on the last day of August previous to the date of such report, over the age of four and under the age of twenty-one years

Second. The number of children attending school during the year, their sex, and the branches taught.

Third. The length of time a school has been taught in the district by a qualified teacher, the name of the teacher, the length of time taught and the wages paid.

Fourth. The amount of money received from the County Treasurer within the year, and the manner in which the same has been applied.

Fifth. The amount of money raised by the district in such year, and the purposes for which it was raised

Sixth. The kind of books used in the school, and such other facts and statistics in regard to the district schools as the County Superintendent may require.

SEC. 34. Whenever a school district shall lie partly in two or more counties, the Clerk of such district, in making his annual report, shall carefully designate the number of children resident in the parts of the counties composing the district, and shall report to the County Superintendent of common schools of each of the counties in which such district may be situated.

SEC. 35. The Treasurer shall execute to the district a bond, in double the amount of money, as near as can be ascertained, to come into his hands as Treasurer of the district during the year, with sufficient securities, to be approved by the Director and Clerk, conditioned to the faithful discharge of the duties of said office. Such bond shall be filed with the district Clerk, and in case of the breach of any condition thereof, the Director shall cause a suit to be commenced thereon in the name of the district, and the money collected shall be applied by such Director to the use of the district as the same should have been applied by the Treasurer, and if such Director shall neglect or refuse to prosecute, then any householder of the district may cause such prosecution to be instituted.

SEC. 36. If the Treasurer shall fail to give bond as required in this act, or from sickness, or any other cause, shall be unable to attend the duties of said office, the District Board shall appoint a Treasurer, who shall possess all the powers of the District Treasurer, and shall, before entering upon the duties of said office, give a bond as the District Treasurer is required to give.

SEC. 37. The Treasurer of each district shall apply for and receive from the County Treasurer all school money apportioned to his district, and shall collect all district taxes assessed in pursuance of the provisions of this act, and pay over on the order of the Clerk, signed by the Director of such district, all money so received or collected by the said Treasurer.

SEC. 38. If any District Treasurer shall refuse or neglect to pay over any money in the hands of such Treasurer belonging to the district, it shall be the duty of his successor in office to prosecute without delay, the official bond of such treasurer for the recovery of such money.

SEC. 39. If, by the neglect of any Treasurer, any school moneys shall be lost to any school district, which might have been received from the County Treasurer, or collected from the district tax assessed, said Treasurer shall forfeit to such district the full amount of the money so lost.

SEC. 40. The Treasurer shall present to the district, at each annual meeting, a report in writing, containing a statement of

all moneys collected by him from the County Treasurer during the year, from assessments in the district, and the disbursements made, and exhibit the vouchers thereof, which report shall be recorded by the Clerk; and if it shall appear that any balance of money is in his hands at the time of making such report, he shall immediately pay such balance to his successor.

SEC. 41. The District Board shall purchase or lease such a site for a school house, as shall have been designated by the voters at a district meeting, in the corporate name thereof, and shall build, hire or purchase such school house, as the voters of the district, in a district meeting, shall have agreed upon, out of the funds provided for that purpose, and make sale of any school house site or other property in the district, and if necessary, execute a conveyance of the same in the name of their office, when lawfully directed by the voters of such district at any regular or special meeting, and shall carry into effect all lawful orders of the district.

SEC. 42. The District Board shall have the care and keeping of the school house and other property belonging to the district. They shall have power to make such rules and regulations relating to the district library, as they may deem proper, and to appoint some suitable person to act as librarian, and to take charge of the school apparatus belonging to the district.

SEC. 43. The District Board shall have power to admit scholars from adjoining districts, and remove scholars for disorderly conduct, while in attendance at school.

SEC. 44. The District Board in each district shall have power to contract with and hire qualified teachers, for and in the name of the district, which contract shall be in writing, and shall specify the wages per week, or month, as agreed upon by the parties, and such contract shall be filed in the district Clerk's office; but no District Board shall have power to hire any person as a teacher, unless such person produce a certificate of qualification signed by the County Superintendent.

SEC. 45. The District Board shall provide the necessary appendages for the school house, during the time a school is taught therein, and shall keep an account of all expenses thus incurred, and present the same for allowance at any regular district meeting.

SEC. 46. That all schools established under the provisions of this act, shall at all times be equally free and accessible to all the children resident therein, over four and under twenty-one years, subject to such regulations as the District Board in each district may prescribe.

SEC. 47. If a vacancy should occur in any District Board, by death, resignation, or otherwise, the County Superintendent shall appoint some suitable person to fill such vacancy.

SEC. 48. In every school district there shall be taught; orthography, reading, writing, arithmetic, geography and English grammar if desired, during the time school shall be kept, and such other branches of education as may be determined by the District Board.

SEC. 49. The amount of district tax shall not exceed one and one-half per cent. per annum. It shall be the duty of the Board of Supervisors of each county in this Territory, at the time of making the annual assessment, to levy (in addition to the taxes already authorized by law to be levied) one-fifth of one per cent. on all the taxable property in each county in this Territory, for the support of public schools in each of said counties, to be collected at the time and (in) the manner prescribed by law for the collection of other taxes; said tax, when collected, shall be distributed to the several school districts in each county in proportion to the number of children over four and under twenty-one years of age therein; and shall be drawn from the County Treasury upon the order of the County Superintendent of Public Schools.

SEC. 50. Said taxes when collected, together with all moneys specially appropriated by the acts of this and all former Legislatures, for the use and support of public schools in this Territory, shall be paid into the County Treasury, and be drawn out as hereinbefore provided; said fund, so created, shall be known as the Common School Fund, and shall not be paid out for any other purpose, except for the hire and pay of competent teachers.

SEC. 51. All taxes raised and collected in any school district, for any of the purposes authorized in this act, shall be assessed on the same kind of property as taxes for county purposes are assessed.

SEC. 52. The Clerk of the school district, in making out any tax list, shall enter therein the names of all persons liable to pay a school tax, the amount of personal property to be taxed to each person, and a description of all taxable real estate in the district, distinguishing that owned by non-residents of the district, and he shall set opposite to each description of taxable property the valuation of the same, and the amount of tax charged upon such property, and to each person respectively, or tract of land owned by non-residents; and such description and valuation of taxable property shall be ascertained, as far as possible, from the last assessment roll of the County.

SEC. 53. Whenever any real estate in any school district shall not have been separately valued in the assessment roll of the county, and the value of such estate cannot be definitely ascertained from such assessment roll, the District Board of such district shall estimate the value of the same, and apportion the taxes thereon.

SEC. 54. The warrant annexed to any tax list, shall be under the hand of the Clerk of the district, and shall command the Treasurer of the district to collect from each of the persons and corporations named in said tax list, the several sums set opposite their names, within forty days from the date thereof, and within twenty days from the time of receiving such warrant to personally demand such tax of the persons charged therewith and residing within his District; and that if any tax shall not be paid within twenty days thereafter, to collect the same by distress and sale of property in the same manner as county taxes are collected, and the said Treasurer shall execute the said warrant and return the same to the Clerk at the expiration of the time limited therein for the collection of such tax list; *provided*, that when the owners of property within the district are non-residents, they shall be notified by the Treasurer, if their place of residence is known, and if within the county they shall make payment within thirty days; if not within the county, but in the Territory, they shall pay within forty days, and if without the Territory they shall make payment within sixty days. *Provided further* That said Treasurer shall be entitled to collect two per cent over and above the sums to be collected in the tax list. And whenever the said Collector shall be compelled to resort to distress and sale of property to obtain any tax, he shall be entitled to, and may take out of the proceeds of such sale, in addition to the above mentioned fees, the same fees as the County Collector is entitled to under similar circumstances.

SEC. 55. The warrant issued by the Clerk of any school district, for the collection of any district tax authorized by the provisions of this act, may be executed anywhere within the limits of the county; and such warrants shall have the like force and effect as a warrant issued for the collection of county taxes, and the Treasurer of the district, to whom any such warrants may be delivered for collection of a tax list, shall possess the like powers in the execution of the same as provided by law for the collection of county taxes.

SEC. 56. Whenever any error may be discovered in any district tax list, the district Board may order any money which may have been improperly collected on such tax list to be refunded, and authorize the Clerk of the district to amend and correct such error in said tax list.

SEC. 57. Whenever any district tax, lawfully assessed, shall be paid by any person on account of any real estate whereof he is only tenant, such tenant may charge and collect of the owner of such estate, the amount of tax so paid by him, unless some agreement to the contrary shall have been made by the tenant.

SEC. 58. It shall be the duty of the teacher of every district school, to make out and file with the district Clerk at the expiration of each term of school, a full report of the whole number of scholars enrolled, distinguishing between male and female, the average number in daily attendance, the text books used, the branches taught, and the number of pupils engaged in the study of said branches. Any teacher who shall neglect or refuse to comply with the requirements of this section, shall forfeit the sum of ten dollars to such a school district, at the discretion of the District Board.

SEC. 59. Every Clerk of a District Board who shall willfully sign a false report to the County Superintendent of his county, shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding three months.

SEC. 60. Every School District Clerk or Treasurer, who shall neglect or refuse to deliver to his successor in office, all records and books belonging to his office, shall be subject to a fine not exceeding fifty dollars.

SEC. 61. When any kind of judgment shall be obtained against any school district, the District Board shall levy a tax on the taxable property in the district, for payment thereof; such tax shall be collected as other school district taxes, but no execution shall issue on judgment against a school district.

SEC. 62. No school district officer in this act, shall receive any compensation for his services out of the County or School District Fund.

SEC. 63. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 64. This act shall take effect and be in force from and after its passage.

APPROVED December 16, 1868.

RESOLUTIONS.

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RESOLUTIONS.

JOINT RESOLUTION

Asking the establishment of a Mail Route from Tucson to Wickenburg via Camps Grant, Florence, Phoenix and Camp McDowell; also that semi-weekly services be put on from Prescott, Arizona Territory, to Albuquerque, New Mexico.

Be it resolved by the Legislative Assembly of the Territory of Arizona :

That our Delegate in Congress, and our Delegate elect, be instructed to urge upon Congress and upon the Post Office Department, the importance of establishing a mail route from Tucson to Wickenburg, *via* Camps Grant, Florence, Phoenix and Camp McDowell, with a weekly service.

Also that they use every exertion in their power, to have semi-weekly service established on the old route; from Prescott, Arizona Territory, to Albuquerque New Mexico, also that they use every exertion in they power, to have mail service established on the old road from San Bernardino California, *via* Camp Cady to Saint Joseph, Arizona Territory, and service be put on each of said routes immediately.

Resolved 2. That the Secretary of the Territory, be and he is hereby requested to forward a copy of the foregoing resolution to the Post Master General, to our Delegate in Congress, and to our Delegate elect.

APPROVED December 14, 1868.

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JOINT RESOLUTION

Recommending the establishment of a United States Depository at Tucson.

Be it resolved by the Legislative Assembly of the Territory of Arizona :

1. That our Delegate in Congress and our Delegate elect be and they are hereby requested to urge upon the Honorable Secretary of the Treasury, the establishment of a United States Depository in Tucson the capital of this Territory, believing as we do, that in so doing, the safety of the Government of the funds will be greatly enhanced, and all persons interested, much better accomodated.

2. That the Secretary of the Territory be and he is hereby directed to transmit to our Delegate in Congress, and our Delegate elect, each, an official copy of these resolutions.

APPROVED December 15, 1868.

JOINT RESOLUTION

Repealing section two of a joint Resolution Regarding the Territorial Library, approved, October first, A. D. one thousand eight hundred and sixty-seven.

Be it resolved by the Legislative Assembly of the Territory of Arizona :

That section two of a joint resolution regarding the Territorial Library, approved October first, A. D. one thousand eight hundred and sixty-seven, be and the same is hereby repealed.

APPROVED December 15, 1868.

JOINT RESOLUTION

Instructing the Officials of Yuma County.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That the County Assessor of Yuma County is hereby empowered and instructed to assess all of the property to be found within the limits of Yuma County, as prescribed by the Howell Code, section first of chapter second, of the formation and rights of counties, not exempt by law from taxation.

SEC. 2. The Sheriff of Yuma County, is hereby empowered and instructed to collect all taxes levied upon property assessed under the provisions of section first of this act, and if said taxes are not paid in the usual time, to proceed to enforce their payment according to the laws of the Territory.

SEC. 3. The County Officials of Yuma County are hereby empowered and instructed to exercise civil and criminal jurisdiction over all the Territory of said County, as prescribed by the Code of Arizona, section first, chapter second.

APPROVED December 15, 1868.

JOINT RESOLUTION

Providing for payment of current and contingent expenses of the Territory, for the year ending December first, A. D. one thousand eight hundred and sixty-nine.

Be it resolved by the Legislative Assembly of the Territory of Arizona :

That the Territorial Treasurer shall set apart from the Territorial funds, from time to time, a sufficient amount of money to pay all the legal, current and contingent expenses of the Territory of Arizona, for the year ending December first, A. D. one thousand eight hundred and sixty-nine.

APPROVED December 15, 1868.

CONCURRENT RESOLUTION

Regarding the Memorials of previous Legislatures.

Be it resolved by the Council, the House concurring, that our present Delegate in Congress, and our Delegate elect, are hereby requested to make every exertion to attract the favorable attention of Congress to the several memorials adopted by previous Legislatures of this Territory, and not yet acted upon. And especially to secure early consideration of the memorials, asking that authority be given to the Governor of the Territory, to raise native troops, which are greatly needed in view of the active and formidable hostility of the Apaches.

Resolved, That a copy of this resolution be furnished to each of the Delegates of our Territory.

CONCURRENT RESOLUTION

Regarding Artesian Wells.

Whereas, The soil of a large proportion of what are known as the desert lands of Arizona, is of a character admirably adapted for agricultural purposes, provided water can be had, and

Whereas, There is every reason to believe that it may be had by the sinking of artesian wells, and that the provision of such wells, would insure a large and valuable addition to the industrial population of the Territory, therefore

Resolved, By the Council, the House of Representatives concurring,

That our Delegate in Congress, is hereby requested to solicit of Congress, an appropriation of five thousand dollars, to be given as a premium to the person or persons who shall first sink an artesian well upon the desert lands of this Territory, the same to be paid by the Secretary of the Interior, upon his receiving satisfactory proof that such well is a success, said proof to be furnished by the Governor and Secretary of the Territory.

CONCURRENT RESOLUTION

Regarding a Daily Mail Service on Route No. 17408.

Resolved, By the House of Representatives, the Council concurring, that our Delēgate in Congress be and is hereby requested to urge upon the Postoffice Department, an increase in the mail service to that of a daily mail on Route No. 17408, from La Mesilla, New Mexico, to Los Angeles in California.

Resolved, That the Secretary of the Territory be and is hereby requested to furnish our Delegate in Congress a copy of these resolutions, as the sense of this Legislative Assembly.

CONCURRENT RESOLUTION

Regarding his Excellency Governor Richard C. McCormick.

Resolved, By the House of Representatives, the Council concurring, that the fifth Legislative assembly, cordially joins in the sentiment expressed by previous Legislatures, that his Excellency Governor Richard C. McCormick, has both in his official and personal relations, shown himself to be the true friend and intellgent advocate of the best interests of Arizona.

Resolved, That his long and zealous public service, in the face of many obstacles, and his thorough knowledge of the country and its resources, will entitle him to the confidence shown by the people in his election as their Representative in the Congress of the United States, and must ever honorably identify his name with the organization and history of the Territory.

MEMORIALS.

MEMORIALS.

MEMORIAL

To the Honorable, the Senate and House of Representatives
of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Arizona, would most respectfully represent, that whilst Congress has uniformly made adequate appropriations for the erection of suitable Capital building for organized Territories, not a dollar thus far for that purpose has been appropriated for this Territory. The Legislative Assembly of this Territory fixed the location of the Territorial Capital by act, approved October the fourth, one thousand eight hundred and sixty-seven, at the town of Tucson.

Your memorialists would further represent, that the buildings thus far occupied by the Legislative Assembly and the several Federal offices of this Territory, are rented of private individuals, and are in no respect safe or suitable for the purposes for which they are used; liable at any time to be destroyed by the elements, with their valuable contents.

And your memorialists would further represent: That the Legislative, Executive and Judicial records, libraries, furniture and other valuables of said Territory, have been as well provided for as was possible, but that even these provisions are by no means adequate for the safe keeping and preservation of them.

Your memorialists would therefore most earnestly pray that an appropriation of not less than one hundred thousand dollars

be made for the erection of Capital buildings at the seat of government of said Territory.

And we, your memorialists, as in duty bound will ever pray.

Be it resolved by the Legislative Assembly of the Territory of Arizona, that an authenticated copy of this memorial be forwarded to our Delegate in Congress, who is hereby requested to bring the same before Congress, and urge immediate and favorable action thereon.

APPROVED December 9, 1868.

MEMORIAL.

To the Honorable Secretary of War of the United States:

Sir—Your memorialists, the Legislative Assembly of the Territory of Arizona, respectfully represent: That there are many occasions, when the citizens of the Territory might, and would co-operate with the military force in their movements or inaugurate independent campaigns against the hostile Indians, were they properly supplied with arms and ammunition, which unfortunately they cannot be by the Territory at this time

In view of the limited number of troops in the Territory, and the war-like disposition not only of the ever implacable Apache, but of the tribes long peaceable, the necessity of bringing every agency to bear in the protection of life and property, was never more pressing, and your memorialists respectfully request that if not inconsistent with the regulations of the Department, authority be given to the commanding officers of the various military posts, to furnish arms and ammunition to citizens known to them, whenever it is believed by said commanding officer that such citizens can and will render effective service against hostile Indians, the arms to be receipted for by the parties to whom they are loaned and to be promptly returned upon the completion of the service for which they are given.

Your memorialists also respectfully request that it be made discretionary with the commanding officers of the posts, to issue rations to citizens when engaged in movements against the hostile Indians, in cases when the co-operation of said citizens is desira-

ble, and they have no other means of procuring subsistence while in the field.

And your memorialists as in duty bound will ever pray.

APPROVED December 10, 1868.

MEMORIAL

Asking an Extension of the Time Allotted for the Accumulation of a Fund wherewith to erect a Territorial Penitentiary.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Arizona, respectfully represent that the Acts of Congress, approved January twenty-second, A. D. one thousand eight hundred and sixty-seven, whereby the net proceeds of the Internal Revenue collected in the several Territories for the fiscal year ending June thirtieth A. D. one thousand eight hundred and sixty-six, and the two succeeding years was appropriated for the purpose of erecting, under the direction of the Secretary of the Interior, Penitentiary buildings therein, took effect a year and a half before the collection of Internal Revenue was begun in this Territory, the first *assessment* not having been levied until the Summer of the year one thousand eight hundred and sixty-seven. Your memorialists therefore respectfully ask, that in justice to the Territory, the provisions of such acts be so amended as to set aside the Internal Revenue here collected, until such time as the sum appropriated for use here (forty thousand dollars) shall have been accumulated, and your memorialists, as in duty bound, will ever pray.

Resolved, By the House of Representatives, the Council concurring, that our Delegate in Congress be and he is hereby requested, to use all honorable means to bring this subject to the favorable consideration of Congress.

APPROVED December 11, 1868.

MEMORIAL

Asking the Establishment of a Mail Route from Tucson to Sasabi Flat.

To the Honorable, the Senate and House of Representatives
of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Arizona, would respectfully represent, that the large and important intercourse existing between the people of this Territory and those of the contiguous Mexican State of Sonora, has induced the Government of the latter State to establish and maintain a weekly mail service between the town of Altar, in said State of Sonora, and Tucson, the Capital of the Territory of Arizona.

Your memorialists would further represent, that the line mentioned connects at Altar, in the State of Sonora, with Hermosillo, Guaymas and other important Mexican cities, and at Tucson in this Territory, forms a link in the chain of mail communication diverging east and west to all parts of the United States.

Your memorialists would further represent that although the contractors perform the service from the boundary line, dividing the Republic of Mexico from the United States, to the town of Tucson, they do so without any compensation from our Government, but actuated thereto by a desire to preserve mail intercourse between the people of both countries.

Your memorialists would further represent that the service as now performed, is upon a route entering into the precincts of the United States at a point eighty miles distant from the town of Tucson, and that they apprehend unless some provisions be made to compensate the contractors for that part of the service performed within the limits of the United States, the service may be discontinued to the great detriment and disadvantage of the people of this Territory in particular.

Your memorialists would therefore represent that the necessity thereof being apparent, that a mail route be established from the town of Tucson to the Sasabi Flat, a point on the boundary line eighty miles distant, that service thereon be ordered per-

formed not less than once a week, and that it be put into operation as early as practicable.

And your memorialists as in duty bound will ever pray.

Be it resolved, By the Legislative Assembly of the Territory of Arizona, that an authenticated copy of this memorial be furnished to our Delegate in Congress, for presentation to Congress, and that he be instructed to present the same and urge and secure immediate action thereon.

APPROVED December 15, 1868.

MEMORIAL

To Congress, asking an Appropriation to pay for a Library for the Territory of Arizona.

Your memorialists, the Legislative Assembly of the Territory of Arizona, would most respectfully ask that the usual appropriation of two thousand five hundred dollars, be made by the Congress of the United States to pay for a Library for the Territory of Arizona.

Your memorialists would further represent, that in view of the fact that all other Territories have received adequate appropriations at the hands of Congress for the same purpose, while Arizona alone has been left out, and thus far, not a dollar for that purpose has been appropriated for this Territory; your memorialists, therefore, would most earnestly pray that an appropriation be made for this Territory; and as your memorialists, as in duty bound will ever pray.

Therefore, be it resolved, By the Legislative Assembly of the Territory of Arizona, that an authenticated copy of this memorial be forwarded to our Delegate in Congress, who is hereby requested to lay the same before the Congress of the United States, and urge immediate and favorable action thereon.

APPROVED December 15, 1868.

MEMORIAL

Asking for an appropriation to codify the Laws of Arizona Territory.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Arizona, would respectfully represent that the laws of Arizona Territory enacted from time to time, need revision and codification, and therefore pray your Honorable body, that an appropriation be made by Congress of ten thousand dollars to compensate a commission of competent persons to make such revision.

Your memorialists would further ask that the Secretary of this Territory be authorized to employ such persons as in his judgment are qualified to perform the duties of such commission of revision, and to pay a reasonable compensation to the persons so employed and also the expenses of printing, etc.

And your memorialists as in duty bound will ever pray.

Be it resolved, By the Legislative Assembly of the Territory of Arizona. That our Delegate in Congress be requested to bring the foregoing to the immediate attention of Congress, and to use all honorable means to bring about speedy and favorable action.

APPROVED December 15, 1868.

MEMORIAL

Asking that a Surveyor-General be appointed for the Land District of Arizona Territory, and for an appropriation to Survey the Land in said District.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Arizona, respectfully represent that a very large portion of our Territory is composed of fine agricultural land; that a large emigration is constantly arriving in and passing through our Territory, and that a much greater portion of such emigration

could be induced to remain here than now remains, if our public lands were surveyed, and subject to location under such surveys; that we are very much in want of the increased population that would thus be brought amongst us to aid in overcoming the hostile Indians, and we are firmly of the opinion that this would be one of the cheapest and most successful modes of warfare on part of the United States Government against the Indians; that those who have already made locations on the public lands in this Territory are restrained from making substantial or costly improvements thereon for fear of future surveys, therefore we respectfully ask through our Delegate in Congress that without delay a Surveyor General be appointed for the Land District of Arizona Territory, and that an appropriation of fifty thousand dollars be made to defray the expenses of surveying the public lands in said District.

And your memorialists as in duty bound, will ever pray.

Resolved. That our Delegate in Congress be requested to urge the importance of this memorial without delay to the favorable consideration of Congress.

APPROVED December 15, 1868.